

**NEVADA DEPARTMENT OF
CONSERVATION & NATURAL RESOURCES**

STATE ENVIRONMENTAL COMMISSION

HEARING ARCHIVES FOR

REGULATORY PETITIONS

COMMISSION PETITION NO. 2001-03

LEGISLATIVE COUNSEL BUREAU (LCB) FILE NO. R-038-01

DOCUMENTS INCLUDED IN THIS FILE:

YES SECRETARY OF STATE FILING FORM

YES DISCLOSURE STATEMENT PURSUANT TO NRS 233B

REGULATORY PETITIONS

ORIGINAL DRAFTED BY COMMISSION

ADOPTED BY COMMISSION

YES AS FILED AND CODIFIED BY LCB

Secretary of State
Filing Data

**For Filing Administrative
Regulations**

For Emergency
Regulations Only

Effective Date

Expiration Date

Governor's Signature

State Environmental Commission

Classification ☐ Proposed ☐ Adopted By Agency ☒ Temporary ☐ Emergency ☐

Brief description of action: **Petition 2001-03 (LCB R-038-01)** permanently amends NAC 444A.005 to 444A.470 to extend programs for separating, at the source, recyclable material from other solid waste to include public buildings in counties with populations greater than 100,000. The amended regulations add for public buildings the minimum standards which were previously established for the source separation of recyclables at residential premises. Definitions for public building, paper and paper product are added. NAC 444A.120 was amended to add public buildings and 444A.130 was amended to provide for a municipality to make available a source separation of recyclable materials at public buildings.

Authority citation other than 233B: NRS 444A.020 and 444A.080

Notice date: January 16, 2001, January 25, 2001 and January 30, 2001 (Temporary); August 20, August 29 and September 6, 2001 (Permanent)

Hearing date: May 10, 2001 (Temporary); September 18, 2001 (Permanent)

Date of Adoption of Agency: May 10, 2001 (Temporary); September 18, 2001 (Permanent)

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
PETITION 2001-03 LCB File R-038-01
STATE ENVIRONMENTAL COMMISSION**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 444A. This permanent regulation deals with amendments to the solid waste recycling program.

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Petition 2001-03 LCB R-038-01, was noticed three (3) times: January 16, January 25 and , January 30, 2001 as a temporary regulation and August 20, August 29 and September 6, 2001 as a permanent regulation in the Las Vegas Review Journal and the Reno Gazette-Journal newspapers. Regulatory workshops were conducted by the Nevada Division of Environmental Protection's Bureau of Waste Management on October 18, 2000 in Carson City and October 20, 2000 in Las Vegas. The temporary regulation was adopted by the State Environmental Commission on May 10, 2001 and the permanent regulation on September 18, 2001. No oral comments opposing or supporting the regulation were received by the Commission. One exhibit (#4) from the Dairy Commission supporting the temporary regulation was received. No oral or written comments were received during adoption as a permanent regulation. The public was also mailed the notice of intent and agenda through the Environmental Commission's mailing list. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (775) 687-4670 extension 3118, or writing to the Commission at 333 W. Nye Ln., Room 138, Carson City, Nevada 89706-0851.

2. The number persons who:

(a)	Attended each hearing;	35
(b)	Testified at each hearing:	0
(c)	Submitted to the agency written comments:	0

3. A description of how comment was solicited from affected businesses, a summary of their response, and a explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses by the notices in the newspapers, as outlined in #1 and by direct mail to interested persons subscribing to the Commission's mailing list. See above statement for dates of the public notices and public workshops. No oral or written testimony was received that opposed or supported the regulation during temporary and permanent adoption. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (775) 687-4670 or writing to the Commission at 333 W. Nye Ln., Room 138, Carson City, Nevada 89706-0851.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The permanent regulation was adopted by the State Environmental Commission on September 18, 2001 without any amendment being requested.

5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:

(a) Estimated economic effect of the regulation on the business which it is to regulate;

The regulated business community may encounter some startup costs to provide a collection service at public buildings. There may be a modest beneficial long term economic effect on recycling businesses because of the potential to increase the amount of recyclable commodities diverted from disposal.

(b) Estimated economic effect on the public;

The adoption of this regulation is not anticipated to have a direct short or long term adverse economic impact upon the public.

6. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement.

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

The regulations do not overlap or duplicate any regulations of another state or local governmental agency.

8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

There is no federal regulation that requires recycling collection services be provided to public buildings

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

This regulation does not provide a new fee and it does not amend existing fees..

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**FILED PERMANENT REGULATION OF THE
NEVADA STATE ENVIRONMENTAL COMMISSION**

LCB File No. R038-01

Effective July 1, 2002

EXPLANATION – Matter in *italics* is new; matter in brackets [~~omitted material~~] is to be omitted.

AUTHORITY: §§1-5, NRS 444A.020 and 444A.080.

Section 1. Chapter 444A of NAC is hereby amended by adding thereto a new section to read as follows:

1. “Public building” means any building or office space occupied by:

(a) Any component of the University and Community College System of Nevada and used for any purpose related to the system; or

(b) The Federal Government, the State of Nevada or any county, city, school district or other political subdivision of the State of Nevada and used for any public purpose.

2. If only part of a building is occupied by an entity described in subsection 1, the term means only that portion of the building which is so occupied.

Sec. 2. NAC 444A.100 is hereby amended to read as follows:

444A.100 1. As used in NAC 444A.100 to 444A.140, inclusive, ***and section 1 of this regulation, the state environmental commission will interpret the term “recyclable material”*** ~~{includes, but is not limited to:}~~ ***as defined in NRS 444A.013 to include, without limitation:***

- (a) Newspaper;
- (b) Corrugated cardboard;
- (c) Aluminum;
- (d) Yard debris;
- (e) Office paper;
- (f) Glass;
- (g) Tin and steel cans;
- (h) Metal;
- (i) Motor oil;
- (j) Plastic; and
- (k) Antifreeze.

2. As used in subsection 1, “yard debris” means material generated from plants, including trees, bushes and grass clippings on residential or business property.

Sec. 3. NAC 444A.120 is hereby amended to read as follows:

444A.120 1. A municipality which makes a program available pursuant to NRS 444A.040 shall submit a request for approval of the program to the department. The request must be accompanied by:

(a) In a municipality whose population is ~~more than 25,000;~~ **40,000 or more but less than 100,000:**

(1) A statement setting forth the location of and types of recyclable material collected by each recycling center.

(2) A description of the program for the disposal of hazardous household products which sets forth:

(I) The location of and types of material collected by each collection site; and

(II) The schedule for the collection of the hazardous household products.

(3) A copy of all ordinances which:

(I) Govern the program; or

(II) Provide for the participation of the municipality in a program adopted by an adjoining municipality.

(4) Any other documentation and information which demonstrates that the program will ensure that the municipality will meet the goal set forth in NAC 444A.110.

(b) In a municipality whose population is ~~more than 100,000;~~ **100,000 or more,** in addition to the documentation and information required by paragraph (a), copies of all contracts and agreements to provide for the separation at the source of recyclable material from other solid waste originating from the residential premises **and public buildings** where services for the collection of solid waste are provided.

2. The department shall approve a program if the department determines that the program will contribute to the achievement of the municipality's goal set forth in NAC 444A.110.

3. As used in subsection 1, "recycling center" means a facility designed and operated to receive, store, process or transfer recyclable material.

Sec. 4. NAC 444A.130 is hereby amended to read as follows:

444A.130 1. A municipality which makes available in that municipality a program for the disposal of hazardous household products shall provide for the collection at least semiannually of used or waste motor oil, motor vehicle batteries and:

(a) Paint and products associated with painting; or

(b) Any other household, garage or garden products which are capable of causing harmful physical effects if inhaled, absorbed or ingested.

If a program for the disposal of hazardous household products is made available, it must be implemented on or before January 1, 1994.

2. A municipality which makes available in that municipality a program for the separation at the source of recyclable material **at residential premises** shall designate at least three recyclable materials to be so separated.

3. A municipality which makes available in that municipality a program for the separation at the source of recyclable material at public buildings shall designate at least three recyclable materials to be so separated.

Sec. 5. This regulation becomes effective on July 1, 2002.

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